REMARKS

Claims 56-76 are pending in this application. Claims 27-55 are cancelled herein without prejudice or disclaimer. Claims 56-76 are added herein. Support for the new claims may be found in the claims as originally filed as well as in Figs. 1-4 and the descriptions corresponding thereto in the specification. Software actualization in particular appears, _inter alia_, in paragraph [0015] of the specification. Reconsideration is requested based on the foregoing amendment and the following remarks.

Objections to the Claims:

Claim 52 objected to for an informality. Claim 52 was cancelled, as discussed above, and the objection is now submitted to be moot.

Claim Rejections - 35 U.S.C. § 102:

Claims 27-55 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,128,490 to Shaheen et al. (hereinafter "Shaheen"). The rejection will be addressed as though it were applied to new claims 56-76.

The third clause of claim 56 recites:

Inserting the program or operating information, which is transmitted to the feeder system, into broadcast transmission messages.

Shaheen neither teaches, discloses, nor suggests, "inserting the program or operating information, which is transmitted to the feeder system, into broadcast transmission messages," as recited in claim 56. In Shaheen, rather, the _operator_ of the system may broadcast messages that notify subscribing units within the area of the existence and operating parameters of each of the overlying systems. In particular, as described in Shaheen at column 4, lines 23-28:

With such overlying systems installed, the operator of the system may provide broadcast messages on each commonly owned system that notifies subscribing units within the area of the existence and operating parameters of each of the overlying systems.

Messages broadcast by a system operator that notify subscribing units of the existence and operating parameters of the overlying systems are not "operating information," as recited in the third clause of claim 56, contrary to the assertion in section 3 at page 2 of the Office Action. Operating information, rather, is another term for software download or software updating, as described in the specification at paragraph [0005]. Since, in Shaheen, the broadcast messages

simply notify subscribing units of the existence and operating parameters of the overlying systems, Shaheen is not "inserting the program or operating information, which is transmitted to the feeder system, into broadcast transmission messages," as recited in claim 56. Claim 56 is thus submitted to be allowable.

Furthermore, the third clause of claim 56 appeared in cancelled claim 27 as well, and claim 27 is thus submitted to have been allowable as well. New claim 56 is thus not being submitted for any reason of patentability, since cancelled claim 27 was allowable over the cited references in the first place.

The sixth clause of claim 56 recites:

Wherein said program data comprises at least one control program for a software update.

Shaheen neither teaches, discloses, nor suggests, "wherein said program data comprises at least one control program for a software update," as recited in claim 56.

The seventh clause of claim 56 recites:

Wherein said at least one control program is initialized after storage in the particular decentralized communication system, the initialization being controlled by the network management unit for each decentralized communication system.

Shaheen neither teaches, discloses, nor suggests, "said at least one control program is initialized after storage in the particular decentralized communication system, the initialization being controlled by the network management unit for each decentralized communication system," as recited in claim 56.

Claims 57-71 depend from claim 56 and add further distinguishing elements. Claims 57-71 are thus also submitted to be allowable.

Claims 72-75:

The sixth clause of claim 72 recites:

An insertion and transmission unit provided in the feeder system to insert the program or operating information into broadcast transmission messages and transmit the broadcast transmission messages to the decentralized communications devices via at least one broadcast transmission channel.

Shaheen neither teaches, discloses, nor suggests, "an insertion and transmission unit provided in the feeder system to insert the program or operating information into broadcast transmission messages and transmit the broadcast transmission messages to the decentralized

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communications devices via at least one broadcast transmission channel," as discussed above with respect to claim 56. Claim 72 is thus submitted to be allowable, for at least those reasons discussed above with respect to claim 56.

Furthermore, the third clause of claim 72 appeared in cancelled claim 51 as well, and thus claim 51 is submitted to have been allowable as well. New claim 72 is thus not being submitted for any reason of patentability, since cancelled claim 51 was allowable over the cited references in the first place.

The seventh clause of claim 72 recites:

Wherein the transfer means arranged in the central network managing unit are configured such that the program or operating information are adapted to the technical properties of the at least one broadcast channel.

Shaheen neither teaches, discloses, nor suggests, "wherein the transfer means arranged in the central network managing unit are configured such that the program or operating information are adapted to the technical properties of the at least one broadcast channel," as recited in claim 72.

The eighth clause of claim 72 recites:

Wherein the program information comprises a control program for a software update, which is initialized after storage in the particular decentralized communication system, the initialization being controlled by the network managing unit for each decentralized communication system.

Shaheen neither teaches, discloses, nor suggests, "wherein the program information comprises a control program for a software update, which is initialized after storage in the particular decentralized communication system, the initialization being controlled by the network managing unit for each decentralized communication system," as recited in claim 72.

Claims 73, 74, and 75 depend from claim 72 and add further distinguishing elements. Claims 73, 74, and 75 are thus also submitted to be allowable.

Claim 76:

Claim 76 recites:

Inserting the control program into broadcast transmission messages.

Shaheen neither teaches, discloses, nor suggests, "inserting the control program into broadcast transmission messages," as discussed above with respect to claim 56. Claim 76 is thus submitted to be allowable, for at least those reasons discussed above with respect to claim 56.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 56-76 are allowable over the cited references. Allowance of all claims 56-76 and of this entire application is therefore respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: _28F800_   By: _____

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